Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 006-28263-1323-058	Date: 10/29/06		Time: 1730 hrs.
Location: Flangel Street & Paramount Boulevard	City or Station: Lakewood		
Bureau/Station/Facility: Lakewood Station	Admin. Investigation: YES [ ] NO [X]		
Type of Force: ASP Baton, O/C spray, Hobble, TARP			
Deputy Injury: YES [X] NO [ ]	Suspect Injury YES [X] NO [ ]		
[ ] Call	[X] Observation	[ ] Detail	[ ] Foot Pursuit / [ ] Vehicle Pursuit
IAB Notified: YES [X] NO [ ]	Person Notified: Lt. Mike Parker	Emp: [redacted]	IAB Roll Out: YES [X] NO [ ]

Involved Employee

E1

Employee #: [redacted]	Last Name: Ramirez	First Name: Gilbert	Middle Name: P.
Sex: [X] Male [ ] Female	Race: Hispanic	Unit of Assignment: Lakewood Station	Work Assignment (Unit #, Module, etc.): 132G5
Shift: [ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: 31	Height: 601 / Weight: 210
[X] Injured [X] Treated [ ] Admitted	Hospital: Lakewood Regional Medical Center	Coroner Case #:	Directed Force [ ] Significant Force [X]

E2

Employee #: [redacted]	Last Name: Barlow	First Name: Michael	Middle Name: A.
Sex: [X] Male [ ] Female	Race: White	Unit of Assignment: Lakewood Station	Work Assignment (Unit #, Module, etc.): 132G5
Shift: [ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: 49	Height: 510 / Weight: 180
[X] Injured [X] Treated [ ] Admitted	Hospital: Lakewood Regional Medical Center	Coroner Case #:	Directed Force [ ] Significant Force [X]

E3

Employee #: [redacted]	Last Name: Tatreau	First Name: James	Middle Name: D.
Sex: [X] Male [ ] Female	Race: White	Unit of Assignment: Lakewood Station	Work Assignment (Unit #, Module, etc.): Watch Commander
Shift: [ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: 38	Height: 601 / Weight: 210
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] Significant Force [ ]

[X] **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Woolum	Josie	S.	SGT	YES [ ] NO [X]	YES [ ] NO [X]
[redacted]	Walden	Yancy	L.	SGT	YES [ ] NO [X]	YES [ ] NO [X]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Paul	Steven	M.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Tatreau	James	D.

Watch Commander **(Print Name)** | Watch Commander's **Signature**: | Emp #: | Date

IAB SERGEANT TRENT DENISON | [redacted]

Supervisor Completing Form: **(Print Name)** | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
0 0 6 - 2 8 2 6 3 - 1 3 2 3 - 0 5 8

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	White	Lakewood Station	132E

Shift	Shift Type	Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	39	602	228

☐ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case #: | Directed Force ☐ | Significant Force ☐

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	Gilpin	Edward	S.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Hispanic	Lakewood Station	132T1

Shift	Shift Type	Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	43	509	185

☐ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case #: | Directed Force ☐ | Significant Force ☐

E 6

Employee #	Last Name	First Name	Middle Name
[redacted]	Harrison	David	C.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Filipino	Lakewood Station	132F

Shift	Shift Type	Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	30	507	132

☐ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case #: | Directed Force ☐ | Significant Force ☐

E 7

Employee #	Last Name	First Name	Middle Name
[redacted]	Herrera	James	G.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Hispanic	Lakewood Station	132D

Shift	Shift Type	Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	28	510	135

☐ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case #: | Directed Force ☐ | Significant Force ☐

E 8

Employee #	Last Name	First Name	Middle Name
[redacted]	Mailloux	Daniel	R.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	White	Lakewood Station	132E

Shift	Shift Type	Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	27	509	195

☐ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case #: | Directed Force ☐ | Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
006-28263-1323-058

Suspect Information

S 1

Last Name: Eichenlaub | First Name: Devin | Middle Name: John

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: White | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: Unknown | Age: 39 | Height: 506 | D.O.B. 04-23-67 | Weight: 165 | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☒

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: 2006-08337 Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☒ YES ☐ NO Substance: Cocaine | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

☐ **Additional Suspects Involved**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Eichenlaub	S	Ramirez	E1	PK	ST	WR
Eichenlaub	S	Barlow	E2	PK	ST	KN
Ramirez	E1	Eichenlaub	S	PH	NN	BK
Ramirez	E1	Eichenlaub	S	FI	NN	BK
Barlow	E2	Eichenlaub	S	TD	NN	
Barlow	E2	Eichenlaub	S	PH	NN	FA
Barlow	E2	Eichenlaub	S	BI	NN	AK,LE
Barlow	E2	Eichenlaub	S	OC	NN	FA
Tatreau	E3	Eichenlaub	S	CT	NN	LE
[redacted]	E4	Eichenlaub	S	CT	NN	AR
[redacted]	E4	Eichenlaub	S	CT	NN	BK
Gilpin	E5	Eichenlaub	S	CT	NN	BK
Harrison	E6	Eichenlaub	S	BC,TP	NN	AR
Herrera	E7	Eichenlaub	S	CT	NN	BK
Mailloux	E8	Eichenlaub	S	CT	NN	LE

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE
(IN-CUSTODY DEATH)

UNIT:	Lakewood Station
DATE:	Sunday, October 29, 2006
TIME:	1730 hours
LOCATION:	Flangel Street & Paramount Boulevard, Lakewood
URN#:	006-28263-1323-058
IAB#:	FO #2182903

On October 29, 2006, the Internal Affairs Bureau Force and Shooting Response Team went to Lakewood Station's area regarding an in-custody death where significant force was used. The team consisted of Sergeant Trent Denison, Sergeant Steve Flamm and Lt. Mike Parker. At the time investigators arrived, the crime scene was still being preserved. The involved personnel were with a sergeant at Lakewood Station, and the suspect had been transported to Lakewood Memorial Hospital. On October 30, 2006, the suspect died while at the hospital and Homicide investigators assumed the investigation.

Investigators learned that Deputies Ramirez, Barlow, [redacted], Mailloux, Herrera, Gilpin, Harrison and Lieutenant Tatreau were involved in the incident. All personnel were working uniformed patrol in the Lakewood Station area.

This investigation is based on statements by the involved deputies, witnesses at the scene, and information obtained during the investigation, along with various written documentation.

SYNOPSIS:

On October 29, 2006 at approximately 1730 hours, Deputies Ramirez and Barlow were working a crime car in the area of Flangel Street and Paramount Boulevard because of the high burglary and crime rate. They observed a man, later identified as Devin Eichenlaub, walking on the grass median at the location. Because of the numerous vehicle and residential burglaries in the area, the deputies became suspicious that Eichenlaub might be casing the area and decided to contact him. Both deputies got out of their marked black

and white patrol car, walked up to Suspect Eichenlaub and Deputy Ramirez asked Eichenlaub to talk with him. Eichenlaub suddenly moved his hands to his waistband area and Deputy Ramirez noticed Eichenlaub was holding a black object in his hand which he believed was a gun. The object was later determined to be a cell phone. Suspect Eichenlaub then put his head down and ran directly at Deputy Ramirez but then looked up with an expression of surprise at Deputy Ramirez and changed direction, and ran toward Deputy Barlow. Deputy Barlow grabbed hold of Suspect Eichenlaub and they both fell to the ground, where Eichenlaub concealed both of his hands underneath his stomach and kicked at the deputies. Deputy Ramirez used his radio to call for assistance and both deputies struggled to control and disarm Suspect Eichenlaub as he thrashed his body on the ground and kicked at them. During the struggle to gain control, deputies punched Suspect Eichenlaub and sprayed him with Pepper Spray. They also used their body weight to hold him down and kneed him about his upper body. Deputy Barlow struck Eichenlaub on the upper torso and legs with his ASP baton to control Eichenlaub's movements. Both deputies were unable to gain control of Suspect Eichenlaub because of his violent struggle. At one point the deputies instructed a passerby to get the Hobble Restraint from the trunk of their radio car, which he did, but the deputies were unable to apply the Hobble because of Eichenlaub's violent struggle. The Watch Commander and assisting units arrived approximately five minutes after the fight started and primarily used body weight to hold Suspect Eichenlaub down while the Hobble Restraint was applied. Suspect Eichenlaub continued to kick and struggle and he scraped his face into the asphalt street, causing numerous abrasions to his own face. The Deputies restrained him further by applying the TARP and placing him on his side yet, Suspect Eichenlaub continued to use his strength to flail his body about, yell obscenities at them and yell for help. Paramedics were summoned and tried to treat Suspect Eichenlaub for his injuries and Suspect Eichenlaub yelled and spat at them too. Within a few minutes of the paramedics contact with Suspect Eichenlaub, he stopped struggling and yelling. Paramedics immediately noticed he appeared to be in medical distress and the deputies removed the TARP and handcuffs . It was found that Eichenlaub had stopped breathing. CPR was initiated by the deputies and paramedics and Eichenlaub was transported to St. Francis Medical Center where he later died. The emergency room doctors found cocaine in Eichenlaub's system and later, during the autopsy, the presence of cocaine was found in Suspect Eichenlaub's system by the coroner.

An autopsy was performed on Suspect Eichenlaub and the cause of death was listed as: "Sequelae of Hypoxic / Ischemic Encephalopathy, due to or as a consequence of, Status Post Cardiopulmonary Arrest with Multiorgan Failure, Cocaine Intoxication, Restraint Maneuvers, and Other Unknown Factors." For more information, see the Autopsy Report on page 140 of the Homicide Investigation Book **[Exhibit A]**.

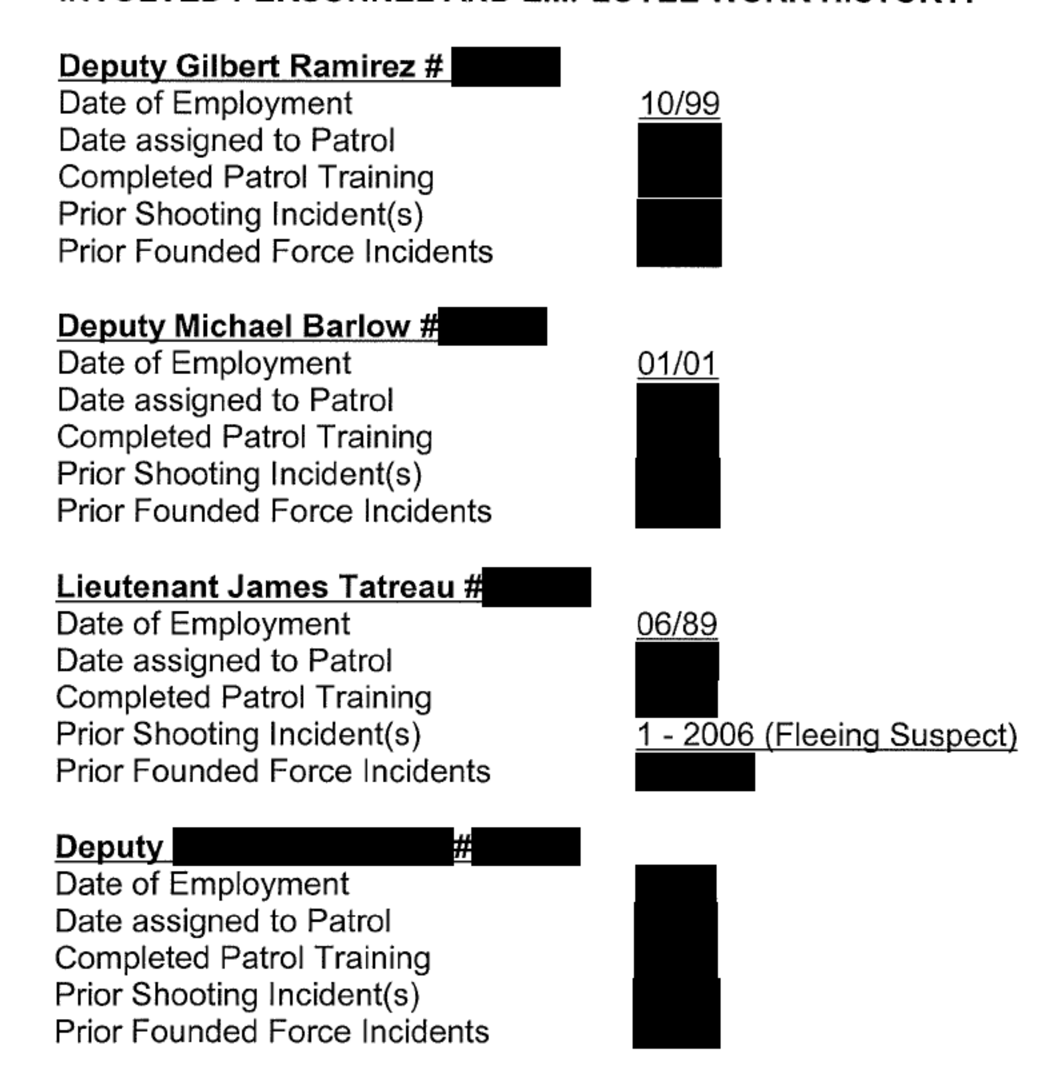
The Los Angeles County District Attorney's Office, Justice System Integrity Division closed their case, concluding there was insufficient evidence to prove that the deputies acted unlawfully. For more information, see the District Attorney's letter of opinion, dated June 26, 2007, regarding their facts and findings relating to the incident **[Exhibit B]**.

A portion of the rescue efforts on Suspect Eichenlaub at the location was captured on video (converted to a CD) **[Exhibit C]**.

The audio recording of the radio traffic may be reviewed on the attached CD in **[Exhibit D]**. The audio recording indicates the deputies requested assistance at 1741 hours and announced the fight was over, "Code - 4" at 1749 hours. A total of eight minutes duration.

On October 24, 2007, the Department was notified by the Federal Bureau of Investigation (FBI) that they would conduct a preliminary inquiry into a citizen's complaint that alleges a civil rights violation by Sheriff's Department deputies against Suspect Eichenlaub. At the time of this report, the FBI is still reviewing the case.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:



Deputy Gilbert Ramirez # [redacted]

Date of Employment	10/99
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

Deputy Michael Barlow # [redacted]

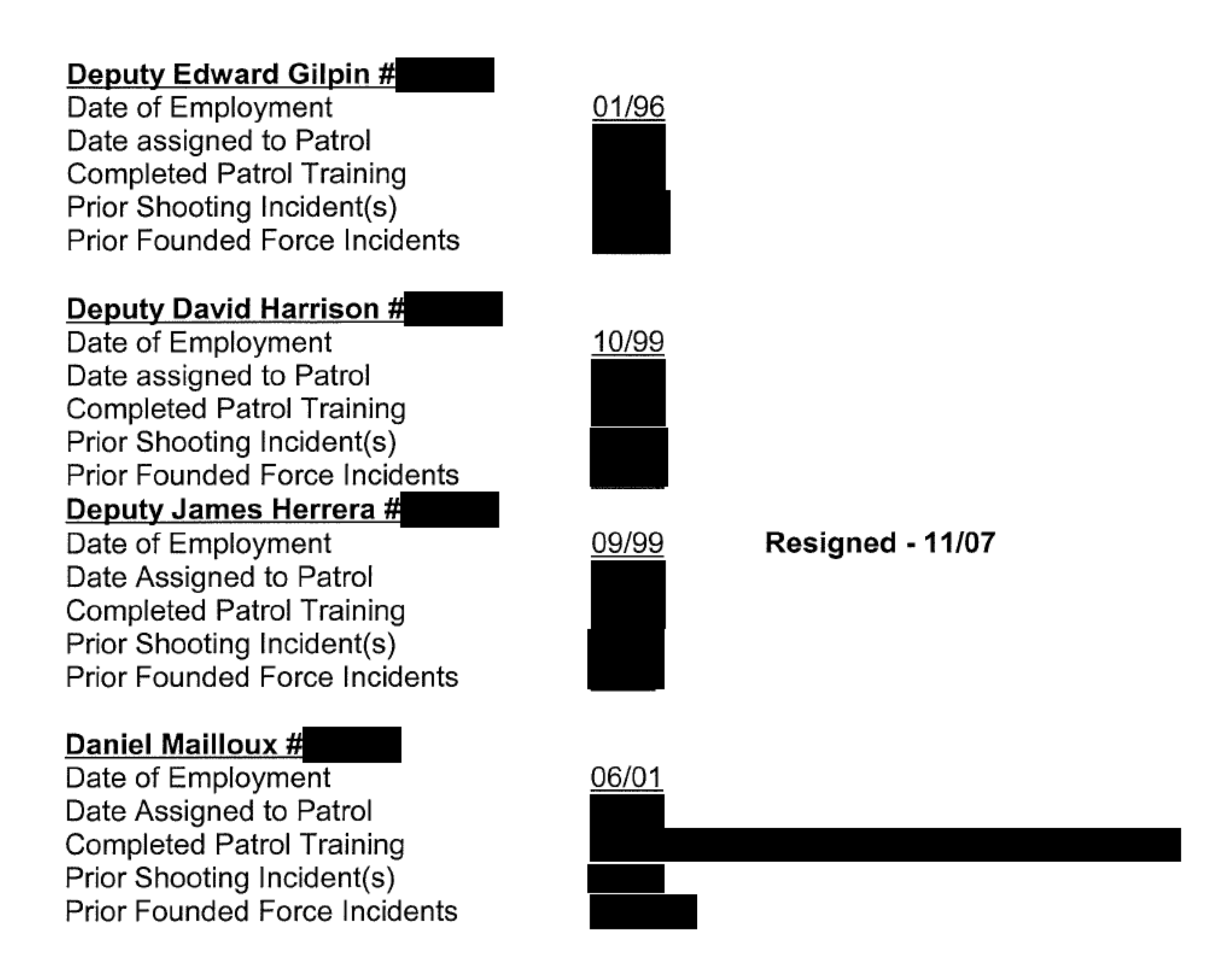
Date of Employment	01/01
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

Lieutenant James Tatreau # [redacted]

Date of Employment	06/89
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	1 - 2006 (Fleeing Suspect)
Prior Founded Force Incidents	[redacted]

Deputy [redacted] # [redacted]

Date of Employment	[redacted]
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]



Deputy Edward Gilpin #[redacted]		
Date of Employment	01/96	
Date assigned to Patrol	[redacted]	
Completed Patrol Training	[redacted]	
Prior Shooting Incident(s)	[redacted]	
Prior Founded Force Incidents	[redacted]	
Deputy David Harrison #[redacted]		
Date of Employment	10/99	
Date assigned to Patrol	[redacted]	
Completed Patrol Training	[redacted]	
Prior Shooting Incident(s)	[redacted]	
Prior Founded Force Incidents	[redacted]	
Deputy James Herrera #[redacted]		
Date of Employment	09/99	**Resigned - 11/07**
Date Assigned to Patrol	[redacted]	
Completed Patrol Training	[redacted]	
Prior Shooting Incident(s)	[redacted]	
Prior Founded Force Incidents	[redacted]	
Daniel Mailloux #[redacted]		
Date of Employment	06/01	
Date Assigned to Patrol	[redacted]	
Completed Patrol Training	[redacted]	
Prior Shooting Incident(s)	[redacted]	
Prior Founded Force Incidents	[redacted]	

SUSPECT:
According the Consolidated Criminal History Reporting System (CCHRS), Suspect Eichenlaub had a criminal history including [redacted] For more information, see the Long Beach PD crime report on page 36 and the Los Angeles PD crime report on page 41 of the Homicide Investigation Book.

SWORN WITNESSES:
IAB and Homicide investigators interviewed those personnel who were directly involved. For more information regarding witness interviews, see the Homicide Investigation Book **[Exhibit A]**.

CIVILIAN WITNESSES:
Witnesses were identified by Lakewood Station personnel and Homicide investigators and interviewed by them on the day of the incident and during Homicide's investigation. IAB investigators reviewed the recorded witness statements to Homicide detectives. The Homicide detective's summary of said interviews is an accurate reflection of each witness' statement. The Homicide witness statement summaries are located in the Homicide Investigation Book **[Exhibit A]**.

INJURIES TO PERSONNEL
Deputy Ramirez sustained minor injuries during the fight with Suspect Eichenlaub which included a bruised right shoulder and abrasions to his hands. He also injured both wrists and his left elbow.

Deputy Barlow injured his lower back, left knee and leg, left wrist, forearm and shoulder. No other personnel were injured during this incident.

PHYSICAL EVIDENCE
Photographs of the scene were taken by Crime Lab Deputy Michael Robinson #[redacted] and documented by him on a Supplemental Report, which is found on page 139 of the Homicide Investigation Book.

INVESTIGATOR'S OBSERVATIONS
When IAB investigators arrived, they found the crime scene had been preserved by station personnel. Investigators noticed a small blood stained area in the street near the intersection of Flangel Street and Paramount Boulevard and were told by containment deputies, the stain was the area Suspect Eichenlaub had rubbed his face on the asphalt. There was also medical aid debris on the ground near the stain.

WEAPONS USED BY DEPUTY PERSONNEL
Personal weapons (hands, knees), Pepper Spray, ASP Baton.

WEAPONS USED BY SUSPECT
Personal weapons (feet)

PROPERTY DAMAGE
None

CRIMINAL INVESTIGATOR and CHARGES FILED
Investigator: None
Charges Filed: None (Suspect deceased)

LIGHTING AND WEATHER CONDITIONS
This incident took place at dusk with minimal lighting. Ambient lighting was provided by street lights on Flangel Street and Paramount Boulevard. The weather was cool and dry.

SCENE DESCRIPTION
Paramount Boulevard is a major thoroughfare that runs north and south with two lanes in each direction. It is bordered on the east and west side by single family residences. There is a raised grassy area with intermittent large trees that runs along the east side of the street and delineates the main street from an access road. Flangel Street is a residential street that runs east and west and intersects with the access road on Paramount Boulevard.

INVOLVED AND WITNESS DEPUTY STATEMENTS

The following is a summary of Deputy Ramirez' IAB interview and is only intended to give an overview of the incident as told by Deputy Ramirez. A verbatim transcription of his interview, which provides more detail, is attached as part of this investigation.

Deputy **Gilbert Ramirez** said during his IAB interview on August 20, 2007, that he and his partner, Deputy Michael Barlow, were driving on Paramount Boulevard when they saw Suspect Eichenlaub walking on the access road at Flangel Street. He said they were in the area to target crime related to burglaries and robberies. He added that he and his partner had arrested a suspect for carrying a gun in the same area the day before. Deputy Ramirez said that when he noticed Suspect Eichenlaub, he noticed the suspect was walking in the middle of the grassy area, instead of the sidewalk and was looking around at the parked cars and residences on the street as though he may be "target glancing" the area.

> **IAB note: "Target glancing" is when a person looks for a target of opportunity such as a parked car or a house that they could burglarize or otherwise commit a crime.**

Deputy Ramirez said he and his partner exited their marked black and white radio car, approximately fifteen feet away, to contact Suspect Eichenlaub to ascertain what he was doing. He said Suspect Eichenlaub was looking around suspiciously as though he was looking for a place to run, when he rushed with his head down, directly at him, then looked up with a startled expression on his face and immediately turned and ran toward Deputy Barlow. As Suspect Eichenlaub turned, he moved his hands to his waistband area and slightly crouched. Deputy Ramirez notices Suspect Eichenlaub was holding a dark object in his hand and believed it was a gun based on the manner in which Eichenlaub appeared to try and conceal the object. Deputy Ramirez told his partner that Eichenlaub had a gun just as Eichenlaub ran into Deputy Barlow who was five to ten feet away. He said Deputy Barlow tackled Suspect Eichenlaub to the ground and Eichenlaub turned onto his stomach

and concealed both hands under his body. Deputy Ramirez said he broadcast on his radio that they were in a fight and he along with Deputy Barlow tried to hold Suspect Eichenlaub on the ground and handcuff him. He added that Suspect Eichenlaub fought with them by kicking at them, yelling at them, yelling for help, and he would not drop what he was holding or give his hands for handcuffing and he struggled to get up from the ground. Deputy Ramirez said that Suspect Eichenlaub appeared to be under the influence of a controlled substance because of how strong he was and how his strength did not diminish during the fight.

Deputy Ramirez said he was unable to control Suspect Eichenlaub to handcuff him so he punched Eichenlaub on the left side of his face three to five times. This had no effect and he was still unable to handcuff Suspect Eichenlaub so he used his right knee to strike Eichenlaub on the upper and lower back area and shoulder blade. He said Suspect Eichenlaub showed no reaction to the strikes and Deputy Ramirez was unable to pull the suspect's hands from underneath him to handcuff. Deputy Ramirez said he used his flashlight to strike Suspect Eichnelaub's right shoulder blade ten to fifteen times in order to gain compliance however, this too did not seem to affect the suspect. Deputy Ramirez said he felt a numbing sharp pain to his wrist which made him drop his flashlight. He kept yelling for Suspect Eichenlaub to stop fighting as Eichenlaub kicked at him and struggled to get up. Deputy Ramirez said he sprayed Eichenlaub in the face several times with Pepper Spray but it had no effect as Eichenlaub did not give up his struggle. He struck Eichenlaub on the back of his head and upper back area several times with his elbow, again with no reaction from Eichenlaub. Deputy Ramirez said he told a civilian who walked up, to get help them and told the civilian to get the Hobble Restraint from the trunk of the radio car. The civilian did as asked and gave Deputy Ramirez the restraint device. Deputy Ramirez said he was unable to apply the Hobble because of Suspect Eichenlaub's violent behavior. Deputy Ramirez said the fight lasted approximately five to six minutes before help arrived and Suspect Eichenlaub continued to fight with arriving deputies.

For more information, see Deputy Ramirez' attached IAB interview transcription, pages 6 - 10.

Deputy Ramirez did not author a supplemental report regarding this incident per Sheriff's Department protocol. He was not interviewed by Homicide as part of their investigation.

The following is a summary of Deputy Barlow's IAB interview and is intended only to give an overview of the incident as told by Deputy Barlow. A verbatim transcription of his interview, which provides more detail, is attached as part of this investigation.

Deputy **Michael Barlow** said during his IAB interview on August 20, 2007, that he was the bookman working with Deputy Ramirez on the date of this incident. He said they had arrested a person with a gun in the same area the day before and they were targeting the area because of the recent burglaries and violent crimes. Deputy Barlow said he and his partner both noticed Suspect Eichenlaub walking and decided to make consensual

contact with him. He said he walked up to Suspect Eichenlaub and asked him if he could speak with him for a moment. He said Suspect Eichenlaub turned and immediately headed for Deputy Ramirez, then looked up in surprise and turned. Suspect Eichenlaub then ran back toward him (Deputy Barlow) at which time Deputy Ramirez said Eichenlaub had a gun. Deputy Barlow said he saw an object in Eichenlaub's hand. He added that when Suspect Eichenlaub ran toward him, he took Eichenlaub to the ground to control him and Eichenlaub kicked at them while yelling "fuck you" at them. Deputy Barlow said he was unable to control Suspect Eichenlaub's attack, so he punched Eichenlaub several times on the left side of his face however, the punches had no effect and Eichenlaub continued to fight them. He said they both were doing everything they could to control Suspect Eichenlaub who seemed to be extraordinarily strong and possibly under the influence of a controlled substance. Deputy Barlow said he was afraid to let go of Suspect Eichenlaub's arm because of the violent struggle and he feared Eichenlaub was armed. He said a citizen brought them their Hobble Restraint from the radio car when asked to but they (Barlow & Ramirez) were unable to control Suspect Eichenlaub enough to put it on. Deputy Barlow said he yelled for the suspect to stop fighting and while using his body weight to hold Eichenlaub down, he removed his ASP baton and with one hand, struck the back of Suspect Eichenlaub's right leg ten to fifteen times with the baton however, the strikes had no effect on Eichenlaub. Deputy Barlow said he dropped his baton several times during this incident. He said he sprayed Suspect Eichenlaub with his Pepper Spray but this too had no effect and Eichenlaub continued to struggle and try to get up from the ground. He said he punched Suspect Eichenlaub several more times on the left side of his face, without any effect, and then he used his ASP baton again to strike Suspect Eichenlaub on the ankle and upper thigh area six to seven times. Deputy Barlow said he was exhausted as a result of the fight and he believed Suspect Eichenlaub still had a weapon under him and Eichenlaub was not getting tired but seemed to gain in strength which caused him (Barlow) to fear that he and his partner may be killed by Eichenlaub. Deputy Barlow said he punched at Suspect Eichenlaub's groin area but he did not know if his punches made contact. He added that he and Deputy Ramirez were using their body weight to hold Suspect Eichenlaub down as assisting units arrived and were able to control Suspect Eichenlaub. He said his knee was injured during the incident so he got up and walked a short distance away while the assisting deputies controlled Eichenlaub. He said he was told a short time later that Suspect Eichenlaub had stopped breathing but he was a short distance away and did not see what treatment Suspect Eichenlaub was given by paramedics who arrived.

Deputy Barlow said he was directed to not author a report regarding this incident per Sheriff's Department protocol. He was not interviewed by Homicide as part of their investigation.

The following is a summary of Lieutenant Tatreau's IAB interview and is intended only to give an overview of the incident as told by Lieutenant Tatreau. A verbatim transcription of his interview, which provides more detail, is attached as part of this investigation.

Lieutenant **James Tatreau** said during his IAB interview on August 13, 2007, that he was the shift Watch Commander and was in the field at the time this incident occurred. He said he heard emergency traffic, deputies involved in a fight, and drove to the area of the assistance request but could not locate the deputies. He said he noticed the Aero Bureau helicopter farther south of him and drove to where he located Deputies Ramirez and Barlow's car. He said he found both deputies on the ground in the street and struggling to hold down Suspect Eichenlaub. He said both deputies appeared exhausted and extremely relieved that he had arrived to help. He saw both deputies were using their body weight to hold the suspect down. He said Suspect Eichenlaub was kicking at them and trying to rise up from the ground while yelling "Fuck You" and "Help" repeatedly. Lieutenant Tatreau said he placed his body weight across Suspect Eichenlaub's legs to control him from kicking them and he tried to apply the Hobble Restraint, which he found on the ground beneath the suspect's legs. He said he tried to apply the Hobble a couple of times but was almost kicked in the face by the suspect so he stopped trying because Suspect Eichenlaub was too strong. He again placed his body weight on both of the suspect's legs and held him down until assisting units arrived. Lieutenant Tatreau said he held the suspect's legs while the first arriving deputies were able to apply the Hobble Restraint and handcuff Eichenlaub however, this did not stop Suspect Eichenlaub from continuing to kick his legs and move about violently. He added that shortly after Suspect Eichenlaub was Hobbled, he continued to kick violently so Eichenlaub was placed in the TARP position. Lieutenant Tatreau said he told the deputies to place Suspect Eichenlaub on his side per the TARP policy and no other force was witnessed by him. Lieutenant Tatreau said he directed responding Sergeant Woolum to retrieve her video camera and film Suspect Eichenlaub who continued to yell obscenities at them and because he was TARP'ed. He said he noticed, when he looked back at Suspect Eichenlaub, that Eichenlaub was again laying on his stomach and vigorously rubbing his face into the asphalt while the deputies were trying to prevent him from injuring himself. He said he directed them to place the suspect back on his side and he yelled at Suspect Eichenlaub to stop fighting and to let arriving paramedics treat him. Lieutenant Tatreau said Suspect Eichenlaub continued yelling "Fuck You" and "Help" but appeared to have labored breathing. He said he told Eichenlaub to calm down numerous times and paramedics started treating Suspect Eichenlaub, who yelled at them too. Lieutenant Tatreau said Suspect Eichenlaub rolled onto his stomach and then was held on his side two different times, all the while yelling at the deputies. He said Suspect Eichenlaub was in the TARP for approximately three to five minutes before paramedics arrived. He said he was giving directions to personnel to find witnesses etc., when he noticed paramedics start life saving measures on Suspect Eichenlaub.

For more information regarding the TARP portion of Lieutenant Tatreau's interview, see pages 10 - 16 of his IAB interview transcription.

IAB investigators reviewed Homicide's interview of Lieutenant Tatreau, a summary of which is found on page 51 of the Homicide Investigation Book **[Exhibit A]** and found that Homicide's summary is an accurate account of their interview of him. IAB's interview of Lieutenant Tatreau was found to be consistent with his Homicide interview and his Supplemental Report which is found on page 9 of the Homicide Investigation Book.

The following is a summary of Deputy [redacted] IAB interview and is intended only to give an overview of the incident as told by Deputy [redacted] A verbatim transcription of his interview, which provides more detail, is attached as part of this investigation.

Deputy [redacted] said he responded to the location regarding the assistance request and when he arrived he saw Lieutenant Tatreau holding Suspect Eichenlaub's right ankle on the ground. He said Deputies Ramirez and Barlow were using their body weight to hold Eichenlaub face down on the ground and they were trying to handcuff him. Deputy [redacted] said he assisted Lieutenant Tatreau by hold Eichenlaub's left ankle on the ground, which allowed the Hobble Restraint to be applied. Deputy [redacted] believed Lieutenant Tatreau was the person who applied the Hobble Restraint and he was unsure who applied the TARP but knew it had been done. Deputy [redacted] escorted Suspect Eichenlaub in the ambulance to the hospital.

IAB investigators reviewed Homicide's interview of Deputy [redacted] a summary of which is found on page 69 of the Homicide Investigation Book **[Exhibit A]** and found that Homicide's summary is an accurate account of their interview of him. IAB's interview of Deputy [redacted] was found to be consistent with his Homicide interview and his Incident Report and Supplemental Report which is found on page 1 and page 28 of the Homicide Investigation Book.

The following is a summary of Deputy Gilpin's IAB interview and is intended only to give an overview of the incident as told by Deputy Gilpin. A verbatim transcription of his interview, which provides more detail, is attached as part of this investigation.

Deputy **Edward Gilpin** said he responded to the location after hearing the assistance request on the radio and noticed Deputy Barlow and Deputy Ramirez holding Suspect Eichenlaub face down on the ground. He said the deputies had one arm behind Eichenlaub's back in a handcuffing position but they could not bring his other arm from underneath him. He said he ran up and assisted by placing his body weight across the suspect's legs in order to restrain him. Deputy Gilpin said numerous orders were given to Eichenlaub to stop resisting and fighting. He added that he pressed his thumb against the back of Suspect Eichenlaub's leg on a pressure point to get Echenlaub to respond but it had no effect. Deputy Gilpin said Lieutenant Tatreau and another deputy tried to apply the Hobble Restraint but because Eichenlaub was kicking so violently, they had difficulty doing so. He said he was asked by them to cinch the restraint up around Eichenlaub's ankles because they did not want to let go of his ankles and allow Eichenlaub to kick again. He

said that after he cinched the Hobble restraint around the susepct's ankles, he heard someone say the suspect was cuffed and Lieutenant Tatreau directed him to locate witnesses. This concluded his involvement.

IAB investigators reviewed Homicide's interview of Deputy Gilpin, a summary of which is found on page 104 of the Homicide Investigation Book **[Exhibit A]** and found that Homicide's summary is an accurate account of their interview of him. IAB's interview of Deputy Gilpin was found to be consistent with his Homicide interview and his Supplemental Report which is found on page 15 of the Homicide Investigation Book.

The following is a summary of Deputy Harrison's IAB interview and is intended only to give an overview of the incident as told by Deputy Harrison. A verbatim transcription of his interview, which provides more detail, is attached as part of this investigation.

Deputy **David Harrison** said he arrived at the location in response to a radio call for assistance and found Deputies Ramirez, Barlow and Lieutenant Tatreau struggling to control Suspect Eichenlaub in the middle of the street. He said Eichenlaub was face down but would not remove his hands from underneath him and one of the deputies said Eichenlaub had a weapon. He said he placed his right knee on the suspect's right shoulder blade to use his body weight to hold Suspect Eichenlaub down. He said Eichenlaub purposefully scraped his face on the asphalt repeatedly as they tried to pull his hands from underneath him for handcuffing. Deputy Harrison said he used his ASP Baton as leverage between Suspect Eichenlaub's rib cage and arm in order to pry Eichenlaub's arm out from underneath him. He then did four to five knee drops onto Eichenlaub's right shoulder blade, which allowed Deputy Ramirez to get Suspect Eichenlaub's arm out and behind him for handcuffing. They found Eichenlaub was not in possession of a weapon but was holding a cell phone in his hand. At this time assisting deputies were able to apply the Hobble Restraint and soon after, the TARP. They placed Suspect Eichenlaub on his side however, Eichenlaub continued to struggle against the restraints, yelled and spit at them. He added that Suspect Eichenlaub was placed on his stomach then back onto his side several times to stop his struggle and spitting. He said paramedics arrived and Suspect Eichenlaub yelled, spat at them and struggled still. Deputy Harrison said Suspect Eichenlaub stopped breathing so the restraints and handcuffs were immediately removed and he initiated life saving measures by doing chest compressions while fire assisted with CPR breathing.

IAB investigators reviewed Homicide's interview of Deputy Harrison, a summary of which is found on page 73 of the Homicide Investigation Book **[Exhibit A]**, and found that Homicide's summary is an accurate account of their interview of him. IAB's interview of Deputy Harrison was found to be consistent with his Homicide interview and his Supplemental Report which is found on page 16 of the Homicide Investigation Book.

The following is a summary of Deputy Herrera's IAB interview and is intended only to give an overview of the incident as told by Deputy Herrera. A verbatim transcription of his interview, which provides more detail, is attached as part of this investigation.

Deputy **James Herrera** said he responded to the location regarding the assistance request on the radio and found Deputies Barlow and Ramirez, struggling to control Suspect Eichenlaub, who was face down on the street. The deputies were trying to control the suspect's arms and handcuff him however, Suspect Eichenlaub was moving his shoulders and kicking his feet while yelling. Deputy Herrera tried to pull Suspect Eichenlaub's arm from underneath him to handcuff but was unable to do so. Suspect Eichenlaub continued to yell profanities at them and purposefully scraped his face and head on the asphalt. Deputy Herrera said he then placed his body weight on the suspect's shoulder and then thigh to hold him on the ground and prevent him from moving while assisting deputies handcuffed the suspect and applied the TARP. He said Suspect Eichenlaub was placed on his side and then onto his stomach for approximately 30 seconds then held on his right side then again onto his stomach because of his struggling. He added that Suspect Eichenlaub was on his stomach the second time for approximately 30 seconds when the paramedics arrived and started to treat Eichenlaub. Deputy Herrera had no further contact with Suspect Eichenlaub.

IAB investigators reviewed Homicide's interview of Deputy Herrera, a summary of which is found on page 67 of the Homicide Investigation Book **[Exhibit A]**, and found that Homicide's summary is an accurate account of their interview of him. IAB's interview of Deputy Herrera was found to be consistent with his Homicide interview and his Supplemental Report which is found on page 22 of the Homicide Investigation Book.

The following is a summary of Deputy Mailloux's IAB interview and is intended only to give an overview of the incident as told by Deputy Mailloux. A verbatim transcription of his interview, which provides more detail, is attached as part of this investigation.

Deputy **Daniel Mailloux** said he was on training and riding with Deputy [redacted] at the time they heard a call for assistance on the radio. He said they responded to the location and found Deputies Ramirez and Barlow struggling to control Suspect Eichenlaub. He said he assisted by placing his knee on the suspect's right shoulder blade and using his body weight to hold him face down on the ground. He said Suspect Eichenlaub was resisting by kicking and squirming but not removing his arms out from underneath his body. Deputy Mailloux said he assisted another deputy in removing Suspect Eichenlaub's left arm and it was handcuffed. He heard someone say the suspect had something in his hands but he was unsure what it was and later found it was a cell phone. He said other deputies were able to gain control of the suspect's right arm and both his hands were handcuffed. He said at time they were trying to cuff the suspect, other deputies were holding the suspect's legs down and the Hobble Restraint was applied. Deputy Mailloux said Suspect Eichenlaub was finally restrained and placed on his side. He said Eichenlaub

continued to fight by thrashing about, spitting and struggling so he was placed on his stomach to prevent him from spitting on them. He said he was then placed back on his side and this happened a couple of times. When he was placed on his side, he purposefully scraped his face on the asphalt and they had a hard time keeping him from rubbing his face on the ground. He added that paramedics arrived and Eichenlaub was placed on his side so they could wash his face however, he continued to yell at the paramedics too and struggle against his restraints while they placed a neck brace on him. Deputy Mailloux said one of the paramedics noticed Suspect Eichenlaub had stopped breathing so the restraints and handcuffs were removed and CPR was started. Deputy Mailloux said he responded to the hospital with the suspect but had no other contact with him.

IAB investigators reviewed Homicide's interview of Deputy Mailloux, a summary of which is found on page 71 of the Homicide Investigation Book **[Exhibit A]**, and found that Homicide's summary is an accurate account of their interview of him. IAB's interview of Deputy Mailloux was found to be consistent with his Homicide interview and his Supplemental Report which is found on page 25 of the Homicide Investigation Book.